

REMARKS

In the Office Action dated December 20, 2007, the Examiner rejected claims 1-3, 7-13 and 15-18 under 35 USC §101 asserting that the claimed subject matter was not reduced to some type of practical application, i.e., a useful concrete tangible result. The Examiner stated in the instant case, there is no product made by the recited claimed invention.

Independent claims 1, 17 and 18 have been amended to include a final step of making the product or the series of products using the design or brand visual identifier as described previously in a claim. In view of this amendment to claims 1-3, 7-13 and 15-18, applicant submits that these claims are fully in compliance with §101 in that they each provide a useful, concrete and tangible result.

Applicant submits that the amendments provided to independent claims 1, 17 and 18 do not raise any new issues or require additional searching and therefore should be entered, following the final rejection, in that they place the application in condition for allowance or place the application in a better condition for Appeal. Applicant therefore respectfully requests the Examiner to enter the amendments to claims 1, 17 and 18.

Claims 1-3, 7-13 and 15-19 were rejected under §103 as being unpatentable over a cited Whirlpool Corporation publication in view of Abelow.

The Whirlpool Corporation publication merely describes kitchen designs in which commercially available appliances and cabinets are combined in a pleasing and utilitarian arrangement. The Examiner points to page 4 of the Whirlpool publication as allegedly teaching one or more product like appliances made by a process by establishing a product personality for a product series. Applicant respectfully submits that no such teaching is provided by any statement made at page 4 of the Whirlpool Corporation publication in that apparently standard designed appliances were selected for assembly into a kitchen design, rather than creating any special design for the appliances themselves.

The Examiner states that Abelow teaches the concept for establishing a product personality for a product series by creating a perceptual map that has a plurality of exclusive and differentiated axes.

Abelow appears to disclose a method for evolving a product over time by allowing customers and users to provide feedback regarding the product and service while they are using the product or service (column 9, lines 2-26).

Claim 1 includes a step of establishing a product personality for the product series by creating a perceptual map having a plurality of axes that are exclusive and differentiated. Although asserted by the Examiner, applicant does not perceive a teaching in Abelow of establishing product personality for a product series, nor the creation of a perceptual map having a plurality of axes that are exclusive and differentiated.

FIG. 1 of Abelow makes it clear that the information from the customer is provided in a feedback loop after the customer has used the product or service. Abelow envisions that the user would be able to provide feedback when they had a problem and when they have an unmet need. (Col. 3, lines 25-26).

Such an arrangement and method it is quite different from the method set out in claim 1 which includes the step of establishing a product personality for the product. Further, claim 1 includes the step of correlating the product personality with a visual characteristic of the product series as viewed by a customer. Abelow does not appear to be concerned with visual characteristics of products and applicant is unable to discern any teaching in Abelow relating to visual characteristics of products or correlating product personality with such visual characteristics.

Claim 1 further includes a step of making a design of the product based upon the correlation of the product personality and the visual characteristic of the product series.

Again, Abelow does not provide any such teaching. The products defined in claim 1 include at least one of a washer, dryer, refrigerator, freezer, oven, range, counter top appliance, cook top, grill, hood, dishwasher and microwave oven. The Whirlpool Corporation publication does not teach or suggest designing any of these products, but rather utilizes commercially available versions of the products and merely arranges them within a kitchen setting.

Since both the Whirlpool Corporation publication and Abelow both lack teachings with respect to several of the method steps defined in claim 1, applicant submits that even a combination of the Whirlpool Corporation publication and Abelow fail to teach, suggest or render obvious the method set forth in claim 1. Therefore, applicant respectfully submits that

claim 1 and each of its dependent claims are patentably distinguishable over the references relied on by the Examiner.

Independent claim 17 defines a method of creating a product being one of a number of listed appliances which includes establishing desired brand personalities for the series of products, a step not taught or suggested by either the Whirlpool Corporation publication or Abelow. Claim 17 further defines a step of mapping customer perceptions of the brand personalities, the perceptual mapping having a plurality of axes that are exclusive and differentiated. The Whirlpool Corporation publication does not teach or discuss mapping consumer perceptions of brand personalities nor does Abelow teach or suggest mapping consumer perceptions of brand personalities. Claim 17 further defines correlating visual characteristics of the brand personalities to a desired brand. The Whirlpool Corporation publication does not discuss correlating visual characteristics to a brand nor does Abelow teach or suggest correlating visual characteristics to a brand. Claim 17 further defines making a design of a product in response to the visual characteristics of the desired brand which is not taught or suggested by the Whirlpool Corporation publication or by Abelow. The Whirlpool Corporation publication is not concerned with designing a product but rather utilizing commercially available products in a kitchen design. Abelow discloses only receiving consumer feedback to enhance or further develop a product after the consumer has been using the product. For these reasons applicant respectfully submits that claim 17 is patentably distinguishable over the references relied on by the Examiner.

Claim 18 defines a method of creating brand equity in a series of products, the products being one of a number of defined appliances. The method set out in claim 18 includes assigning desired product personality adjectives to a current brand, the brand including a series of products. Neither the Whirlpool Corporation publication nor Abelow teach, suggest or discuss or discussed assigning desired product personality adjectives to a brand. Claim 18 further includes the step of associating a plurality of images and a plurality of dominant personality traits to generate an association between the plurality of images with the plurality of dominant personality traits. Neither the Whirlpool Corporation publication nor Abelow teach or suggest such an association step.

Claim 18 defines additional steps including correlating the association of images and traits with the adjectives to generate an image adjective profile, creating brand visual characteristic by plotting the association on a perceptual map and abstracting a design for the plot and the image adjective profile to create a brand visual identifier. Neither the Whirlpool Corporation publication nor Abelow teach or suggest any of these steps. Therefore, applicant respectfully submits that even a combination of the references relied on by the Examiner fails to render claim 18 obvious.

Claim 19 is directed to a series of defined appliances which comprises a first appliance having an appearance with a visual characteristic correlated to a predetermined product personality, the product personality established by creating a perceptual map having a plurality of axes that exclusive and differentiated and a second appliance having an appearance with a similar visual characteristic correlated to the product personality. Applicant submits that neither the Whirlpool Corporation publication nor Abelow teach or suggest an appliance with having an appearance with a visual characteristic correlated to a predetermined product personality nor a product personality that is established by creating a perceptual map having a plurality of axes that are exclusive and differentiated. Therefore, applicant respectfully submits that the apparatus defined by claim 19 is neither taught nor suggested by a combination of the references relied on by the Examiner.

In view of the foregoing amendments and remarks, applicant respectfully submits that the claims of the application define patentable subject matter 35 USC §101 and also define patentable subject matter in view of the references cited by the Examiner. Applicant respectfully requests the Examiner to reconsider the rejections and to indicate all claims as allowed and to pass the application to issue.

Respectfully submitted,

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